

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FIRST SERVICE FINANCIAL INC,

Plaintiff,

-against-

THE CITY LIGHTS AT QUEENS LANDING
INC.,

Defendant.

Case No. 08-cv-03312
(BSJ) (FM)

**DECLARATION OF JARED TUNNELL IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS COMPLAINT
PURSUANT TO FRCP RULE 12(b)(6)**

Pursuant to 28 U.S.C. Section 1746, Jared Tunnell hereby declares
under the penalty of perjury that the following is true and correct to the best
of his knowledge, information and belief:

1. I am the Product Manager of the plaintiff First Service Financial Inc., hereinafter “FFI” and I am fully familiar with the facts and circumstances as stated herein.

2. In the course of negotiating and bringing to close a large loan such as the eighty million dollar commitment to Citylights by the lender Chartermac/Centerline, dozens of issues large and small must be overcome. Attached to the Appendix and explained further below, is a sample of both the issues tackled and the emails sent and received by me in connection with my duties for FFI. The emails being illustrative of what was overcome by FFI as broker to close the loan for Citylights over the fifteen-month negotiation process.

3. Accordingly, annexed to the Appendix as **Exhibit J** are a sample of the emails regarding the issue of the Temporary Certificate of Occupancy and the Certificate of Occupancy, as a pre-condition to Closing.

4. Annexed to the Appendix as **Exhibit K** are a sample of the emails with respect to the issue of the building condition and Engineering Report as well as the Coop's Local Law 11 Compliance.

5. Annexed to the Appendix as **Exhibit L** are emails detailing my handling in FFI's behalf, issues with respect to the lender's concern regarding a DEP violation.

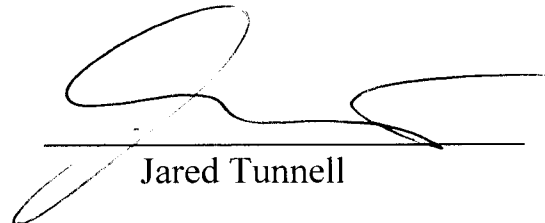
6. Annexed to the Appendix as **Exhibit M** are emails showing the work done by me in FFI's behalf in coordinating acceptable proof of insurance to the lender.

7. Annexed to the Appendix as **Exhibit N** are emails showing the involvement by FFI in a myriad of other issues raised by the lender such as regarding the Offering Plan, the residential and commercial tenants, building payroll, utility, water and sewer bill payments.

8. Ultimately FFI handled all the important issues resulting in a successful closing on the Chartermac/Centerline loan to Citylights on February 29, 2008.

WHEREFORE, upon the foregoing facts and also upon the Declaration of Peter J. Gordon of FFI and the Plaintiff's Memorandum of Law and the Separate Appendix submitted herewith, the defendant's motion to dismiss the Complaint should be denied.

Dated: June 26, 2008



Jared Tunnell